

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM LLP,

*Plaintiff,*

– against –

TPR INVESTMENT ASSOCIATES, INC.,  
GLENCOVA INVESTMENT CO., TR  
INVESTORS, LLC, NEW TR EQUITY I,  
LLC, NEW TR EQUITY II, LLC, and ARIE  
GENGER,

*Defendants.*  
----- X

No. 11 Civ. 7923 (JFK)

ORDER FOR THE RETURN  
OF INTERPLEADED FUNDS  
FROM THE REGISTRY OF  
THE COURT

<b>USDC SDNY</b> <b>DOCUMENT</b> <b>ELECTRONICALLY FILED</b> DOC #: DATE FILED: <u>09/05/2012</u>
---

John F. Keenan, United States District Judge:

WHEREAS on November 7, 2011, plaintiff Skadden, Arps, Slate, Meagher & Flom LLP ("Plaintiff") filed this statutory interpleader action under 28 U.S.C. § 1335 and deposited \$5,936,332.60 (the "Funds") into the Registry of this Court;

WHEREAS on January 11, 2012, the Funds were placed into the Court Registry Investment System, Interest Bearing Account;

WHEREAS on June 14, 2012, the Court issued a decision dismissing the above-captioned action for lack of subject matter jurisdiction; and

WHEREAS defendant Arie Genger objects to the entry of any order releasing the Funds unless such order directs Plaintiff to deposit the Funds in an escrow account in New York and requires Plaintiff to provide at least ten (10) business days' prior notice to all counsel of record in *Arie Genger v. Sagi Genger*, Index No. 651089/2010 (N.Y. Sup. Ct. filed July 26, 2010), prior to the removal of the Funds from Plaintiff's escrow account; now therefore

IT IS HEREBY ORDERED that Arie Genger's objection is overruled; and it is further

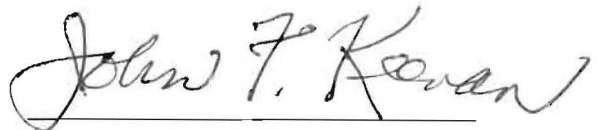
ORDERED that the Clerk is directed to remove the entirety of the Funds and any interest accrued thereon for return to Plaintiff in accordance with this order; and it is further

ORDERED that the Clerk shall deduct from the income on the investment a fee equal to ten percent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office, pursuant to Civil Rule 67.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York (the "Investment Fee"); and it is further

ORDERED that as soon as the business of the Clerk's office allows, the Clerk shall draw a check amounting to the balance of the Funds, plus any interest accrued thereon, less the Investment Fee, and make such check payable to Skadden, Arps, Slate, Meagher & Flom LLP, as Escrow Agent, 4 Times Square, New York, New York 10036, Attn.: Phyllis N. Bentovim. The Clerk's office shall notify Amy C. Huffman, (302) 651-3103 when the check is available.

SO ORDERED.

Dated: New York, New York  
September 5, 2012

A handwritten signature in black ink, reading "John F. Keenan". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

John F. Keenan  
United States District Judge